

EXHIBIT 5

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:

BOY SCOUTS OF AMERICA AND
DELAWARE Boy Scouts, LLC,¹

Debtors.

Chapter 11

Case No. 20-10343 (LSS)

Jointly Administered

Hearing Date: September 9, 2020 at 10:00 a.m. (ET)

Objection Deadline: September 2, 2020 at 4:00 p.m. (ET)

**DECLARATION OF JANINE PANCHOK-BERRY IN SUPPORT OF CENTURY AND
HARTFORD'S MOTION TO COMPEL THE ATTORNEYS REPRESENTING THE
ENTITY CALLING ITSELF THE "COALITION" TO SUBMIT THE DISCLOSURES
REQUIRED BY FEDERAL RULE OF BANKRUPTCY PROCEDURE 2019**

I, Janine Panchok-Berry, pursuant to 28 U.S.C. § 1746(2), under penalty of perjury,
hereby declare as follows:

1. I am an associate at the firm O'Melveny & Myers LLP, Counsel for Century Indemnity Company, as successor to CCI Insurance Company, as successor to Insurance Company of North America and Indemnity Insurance Company of North America, Westchester Fire Insurance Company, and Westchester Surplus Lines Insurance Company. I submit this declaration based on my personal knowledge of the proceedings in *In re Boy Scouts of America and Delaware BSA, LCC*, and review of the documents described below.

2. Attached hereto as **Exhibit 1** is a true and correct copy of a letter sent from Tancred Schiavoni to David J. Molton dated July 31, 2020.

¹ The Debtors in these chapter 11 cases, together with the last four digits of each Debtor's federal tax identification number, are as follows: Boy Scouts of America (6300) and Delaware Boy Scouts, LLC (4311). The Debtors' mailing address is 1325 West Walnut Law, Irving, Texas 75038.

3. Attached hereto as **Exhibit 2** is a true and correct copy of an email exchange between Sunni Beville, on behalf of the Coalition of Abused Scouts for Justice, and Tancred Schiavoni, dated August 5, 2020.

4. Attached hereto as **Exhibit 3** is a true and correct copy of Anne Andrews' profile page from the Andrews & Thornton website, last accessed on August 14, 2020 and available at <https://andrewsthornton.com/our-team/anne-andrews/>.

5. Attached hereto as **Exhibit 4** are several pages from the Abused in Scouting website, which have been bates stamped:

- Bates 000001–000013 is a true and correct copy of the Abused in Scouting homepage, last accessed on August 14, 2020 and available at <https://abusedinscouting.com/>.
- Bates 000014–000015 is a true and correct copy of the “Attorney Disclaimer” page from the Abused in Scouting website, last accessed on August 14, 2020 and available at <https://abusedinscouting.com/attorney-disclaimer/>.
- Bates 000016–000021 is a true and correct copy of “Boy Scouts of America Bankruptcy” page from the Abused in Scouting website, last accessed on August 14, 2020 and available at <https://abusedinscouting.com/boy-scouts-of-america-bankruptcy/>.
- Bates 000022–000027 is a true and correct copy of the “Media” page from the Abused in Scouting website. The page includes eleven videos, which includes promotional videos, interviews by AIS-affiliated attorneys, and news coverage of Boy Scouts lawsuits. The page also includes links to news coverage of Abused in Scouting (or attorneys affiliated with the group) in the Seattle Times, the Washington Post, U.S. News and World Report, the Los Angeles Times, USA Today, the Philadelphia Inquirer, Time Magazine, and the San Diego Union-Tribune. The page was last accessed on August 14, 2020 and available at <https://abusedinscouting.com/media/>.

6. Attached hereto as **Exhibit 5** is a true and correct copy of an April 25, 2019 Washington Post article by Kayla Epstein, entitled “Victims of Sexual Abuse in the Boy Scouts Were Encouraged to Come Forward. Hundreds Responded.” The article is available at

<http://www.washingtonpost.com/nation/2019/04/25/victims-sexual-abuse-boy-scouts-were-encouraged-come-forward-hundreds-responded/>.

7. Attached hereto as **Exhibit 6** is a true and correct copy of the “Meet Our Legal Team” page from the AVA Law Group, Inc. website, last accessed on August 14, 2020 and available at <https://avalaw.com/learn-more/who-we-are/>.

8. Attached hereto as **Exhibit 7** is a true and correct copy of a Google Maps image of 3667 Voltaire Street, San Diego, California, last accessed on August 14, 2020 and available at <https://www.google.com/maps/place/3667+Voltaire+St,+San+Diego,+CA+92106/@32.7396356,-117.2308276,17z/data=!3m1!4b1!4m5!3m4!1s0x80deabacc2e9629d:0x73c679a47cc57e36!8m2!3d32.7396311!4d-117.2286389>.

9. Attached hereto as **Exhibit 8** is a true and correct copy of part of the “About Us” page from the Reciprocity Industries website, last accessed on August 14, 2020 and available at <https://reciprocityind.com/about-us/>.

10. Attached hereto as **Exhibit 9** is a true and correct copy of the homepage from Kosnoff.com, last accessed on August 14, 2020 and available at <https://kosnoff.com/>.

11. Attached hereto as **Exhibit 10** is a true and correct copy of the “Firm Overview” page from Kosnoff.com, last accessed on August 14, 2020 and available at <https://kosnoff.com/overview/>.

12. Attached hereto as **Exhibit 11** is a true and correct copy of the profile page for Timothy David Kosnoff from the Washington State Bar Association website, last accessed on August 14, 2020 and available at https://www.mywsba.org/PersonifyEbusiness/LegalDirectory/LegalProfile.aspx?Usr_ID=000000016586.

13. Attached hereto as **Exhibit 12** is a true and correct copy of a Google Maps image of 1321 Upland Drive, Houston, Texas, last accessed on August 14, 2020 and available at <https://www.google.com/maps/place/1321+Upland+Dr,+Houston,+TX+77043/@29.7901608,-95.5790546,17z/data=!3m1!4b1!4m5!3m4!1s0x8640db38d7f6c07b:0x910a7b9ebb49eb5e!8m2!3d29.7901562!4d-95.5768659>.

14. Attached hereto as **Exhibit 13** is a true and correct copy of the “Available Addresses for Mail Forwarding” page from the US Global Mail website, last accessed on August 14, 2020 and available at http://www.usglobalmail.com/help_category/available-addresses-for-mailforwarding.

15. Attached hereto as **Exhibit 14** is a true and correct copy of the Abused in Scouting Facebook homepage, last accessed on August 14, 2020 and available at <https://www.facebook.com/AbusedinScouting/>.

16. Attached hereto as **Exhibit 15** is a true and correct copy of a July 7, 2020 Reuters article by Nate Raymond, entitled “Mass Tort TV Advertising Jumps Amid Coronavirus Pandemic.” The article is available at [https://1.next.westlaw.com/Document/Ib339b3c0bf7a11ea9474d0445cbdb47e/View/FullText.html?transitionType=SearchItem&contextData=\(sc.Category\)](https://1.next.westlaw.com/Document/Ib339b3c0bf7a11ea9474d0445cbdb47e/View/FullText.html?transitionType=SearchItem&contextData=(sc.Category)).

17. Attached hereto as **Exhibit 16** is a true and correct copy of a page entitled “Boy Scouts of America Creates Sexual Abuse Compensation Program” from the website for the Consumer Justice Foundation. The page includes a box for readers to enter claims information, advertising that “An attorney will review your situation for FREE and help you found [sic.] out what really went wrong.” This page was last accessed on August 18, 2020 and is available at <http://www.consumerjusticefoundation.com/news/boy-scouts-of-america-creates-sexual-abuse-compensation-program/>.

18. Attached hereto as **Exhibit 17** is a true and correct copy of the transcript of a hearing held on February 23, 2017 in *In re Archdiocese of Saint Paul and Minneapolis*, No. 15-30125 at Docket No. 987, in which Judge Kressel granted the debtor's motion for an order requiring compliance with Rule 2019 of the Federal Rules of Bankruptcy Procedure.

19. Attached hereto as **Exhibit 18** is a true and correct copy of an Order entered on February 27, 2017 by the Honorable Robert J. Kressel in *In re Archdiocese of Saint Paul and Minneapolis*, No. 15-30125 at Docket No. 984, granting debtor's motion for an order requiring compliance with Rule 2019 of the Federal Rules of Bankruptcy Procedure.

20. Attached hereto as **Exhibit 19** is a true and correct copy of the complaint in *Archdiocese of New York v. Ins. Co. of N. Am.*, No. 653772/2019 (N.Y. Sup. Ct. filed June 28, 2019).

21. Attached hereto as **Exhibit 20** is a true and correct copy of the Application to Employ Blank Rome LLP as Special Insurance Counsel for the Debtor and Debtor-in-Possession in *Roman Catholic Archdiocese of Agana*, No. 19-00010 (Bankr. D. Guam Jan. 17, 2019) at Docket No. 39.

22. Attached hereto as **Exhibit 21** is a true and correct copy of a November 3, 2020 Billings Gazette article by Juliana Sukut, entitled "Montana Victims Alleging Sex Abuse in the Boy Scouts Join National Wave of Suits." The article is available at https://billingsgazette.com/news/state-and-regional/crime-and-courts/montana-victims-alleging-sex-abuse-in-the-boy-scouts-join-national-wave-of-suits/article_59c73aab-334f-5b07-af24-b6bd24bcc8a7.html.

23. Attached hereto as **Exhibit 22** is a true and correct copy of the Application to Employ Blank Rome as Special Insurance Counsel for the Debtor and Debtor-in-Possession in *In*

re Roman Catholic Church of the Archdiocese of Santa Fe, No. 18-13027-11 (D.N.M. Dec. 31, 2018) at Docket No. 55.

24. Attached hereto as **Exhibit 23** is a true and correct copy of the *Ex Parte* Application For Order Appointing Blank Rome, LLP as Special Insurance Counsel to the Debtor, *In re the Diocese of Buffalo, N.Y.*, No. 20-10322 (Bankr. W.D.N.Y. Apr. 22, 2020) at Docket No. 258.

25. Attached hereto as **Exhibit 24** is a true and correct copy of the Order Requiring Compliance with Bankruptcy Rule 2019 and Granting Other Relief, *In re Congoleum Corp.*, No. 03-51524 (Bankr. D.N.J. Sept. 2, 2005) at Docket No. 1153.

26. A video titled “AIS Legal Team Announces First Case Filed Against BSA for Child Sex Abuse and 350 New Perpetrators” posted to YouTube by AVA Law Group on August 7, 2019, and also posted on the Abused in Scouting website, shows attorneys who are identified as Stewart Eisenberg, Joshua Schwartz, Tim Kosnoff, Andrew Van Arsdale. Starting at 0:21 of the video, Mr Eisenberg states: “We are, at this table, a group of attorneys who have banded together since February of this year into a partnership and a group called Abused in Scouting, made up of our law firms, including myself from Eisenberg Rothweiler and my partner Josh Schwartz, and in addition to that we have Tim Kosnoff from Kosnoff Law and Andrew Van Arsdale from the AVA Law Group.” The video is available at https://www.youtube.com/watch?time_continue=7&v=pWjVtxoxZps&feature=emb_logo.

27. A video titled “Boy Scouts of America File for Bankruptcy - TV Spot - Abused in Scouting - Scouting Victims Call Now” posted to YouTube by AVA Law Group on February 18, 2020 is an advertisement for legal services sponsored by Andrew Van Arsdale. A voice-over in the video states:

This is a paid advertisement for legal services sponsored by attorney Andrew Van Arsdale. For decades the Boy Scouts of America admitted

thousands of child molesters into their Scouting ranks, enabling countless acts of sexual abuse to occur against innocent children. And, now, instead of trying to right the horrific wrongs of the past, the Boy Scouts of America recently filed for bankruptcy as a last ditch effort to avoid any accountability for the massive coverup they perpetuated and, in doing so, denying justice for those who were abused under their watch. If you were abused as a member of the Boy Scouts, your time to act is quickly running out. Bankruptcy filings allow for a limited window to take action. Act now before it's too late. Once the court's claims submission period ends, your opportunity to seek justice will be lost forever. Call Abused in Scouting for a free case consultation. The Boy Scouts of America may think they can get away with it. Don't let them. Hold them accountable for their failure to protect innocent children.

The description below the video includes links to the Abused in Scouting website, including a link for a “No-Obligation, 0\$ Case Evaluation.” There are also links to the Twitter and Facebook pages for Abused in Scouting, and a contact email address (support@ava.law) and phone number. The video and description are available at <https://www.youtube.com/watch?v=vcRxfSTASCY>.

28. A video titled “AVA Law Group, What is Abused in Scouting? - Call for free Case Evaluation - 1.888.99.SCOUT” posted to YouTube by AVA Law Group on July 16, 2020, and posted to the Abused in Scouting website, is a video encouraging claimants to join Abused in Scouting featuring an attorney identified as Andrew Van Arsdale. Starting at 2:37 of the video, Mr. Van Arsdale states:

You need to contact us. We work on the claim, we do everything for you. You never have to travel anywhere, you're never going to appear in court, you're never going to have to take a deposition subject to these high-paid lawyers on their side. We handle it for you. You can remain anonymous. We handle everything.

In addition, starting at 2:10, a claimant states “I've met a coalition of men who have joined together to hold the Boy Scouts accountable for what's going on. Join us.” The video is available at <https://www.youtube.com/watch?v=k2kpHd87nbY>.

29. The Abused in Scouting website features an interactive search page titled “List of Confirmed BSA Abusers.” This gives users the ability to “[s]earch our list of confirmed child sex

abusers within the Boy Scouts of America.” The list has five columns: Year; Name or ID; Unit City; Unit State; Unit Number. Any one or more of these criteria can be searched to generate a list of individuals Abused in Scouting states are “confirmed abusers,” dates, and the corresponding city, state, and scouting unit number. The interactive page is available at <https://abusedinscouting.com/list-of-confirmed-bsa-abusers/>.

I declare under pain and penalty of perjury of the laws of the United States that the foregoing is true and correct.

Dated: August 26, 2020

Respectfully Submitted,

By: /s/ Janine Panchok-Berry

JANINE PANCHOK-BERRY